

## REMARKS

This is intended as a full and complete response to the Office Action dated February 22, 2010. Please reconsider the claims pending in the application for the reasons discussed below.

Claims 11, 12, and 14 - 22 are pending in the application.

Claim 11 has been amended to better define the invention.

No new matter has been added.

### Claim Rejections Under 35 U.S.C. § 103

Claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kutscher et al. '605. Applicants respectfully submit that claims 14 and 15 are not unpatentable over Kutscher et al. '605

Claim 11 has been amended to now read as a process claim. This process incorporates the apparatus previously defined in claim 11, but not imposes the process limitations of being an indirect heat transfer device, and providing nucleation sites for the liquid phase fluid to boil.

Kutscher et al. '605 discloses a system wherein the sintered metal provides passageways through which the gas phase component passes, then interacts with the other fluid in *direct* heat exchange. And there is no indication or disclosure that the heat exchanger in Kutscher et al. '605 is intended to provide nucleation points, since the fluid of interest is already in the gas phase.

Therefore, one skilled in the art would not find that Kutscher et al. '605 renders claim 11 obvious. As claims 14 and 15 are dependent upon claim 11, these are not obvious over Kutscher et al. '605 either.

Claims 16 - 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. in view of Schwarz et al. '433 and Kutscher et al. '605.. Applicants respectfully submit that claims 16 - 19 are not unpatentable over Wagner et al. in view of Schwarz et al. '433 and Kutscher et al. '605

As discussed above, claim 11 has been amended to incorporate elements not found in Kutscher et al. '605. Neither Schwarz et al. '433, nor Wagner et al cure the deficiencies of Kutscher et al. '605. Claims 16 - 19 depend upon claim 11, contain all of

the limitations of claim 11, and should be allowable for at least the same reasons as claim 11. Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. in view of Schwarz et al. '433 and Kutscher et al. '605 and further in view of Bruder et al. '364. Applicants respectfully submit that claim 20 is not unpatentable over Wagner et al. in view of Schwarz et al. '433 and Kutscher et al. '605 and further in view of Bruder et al. '364.

As discussed above, claim 11 has been amended to incorporate elements not found in Kutscher et al. '605. Neither Schwarz et al. '433, Wagner et al, Bruder et al '364, or Wagner et al cure the deficiencies of Kutscher et al. '605. Claims 16 - 19 depend upon claim 11, contain all of the limitations of claim 11, and should be allowable for at least the same reasons as claim 11. Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

## CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

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